

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ICE ROVER, INC.,

Plaintiff,

V.

LIFETIME PRODUCTS, INC.,

Defendant.

CIVIL NO. W-22-CV-00797-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 33. The Report recommends that this Court grant Defendant's Motion to Dismiss for Improper Venue, ECF No. 8. Specifically, the Report recommends that this Court dismiss this case without prejudice rather than transfer it to another venue.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on September 20, 2023. ECF No. 35. Defendant filed a response to Plaintiff's objections on October 3, 2023. ECF No. 38. The Court has conducted a *de novo* review of the motion to dismiss, the response, the reply, the report and recommendation, the objection to the report and recommendation, the response to the objection, and the applicable laws.

After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Gilliland, ECF No. 33, is **ADOPTED**.

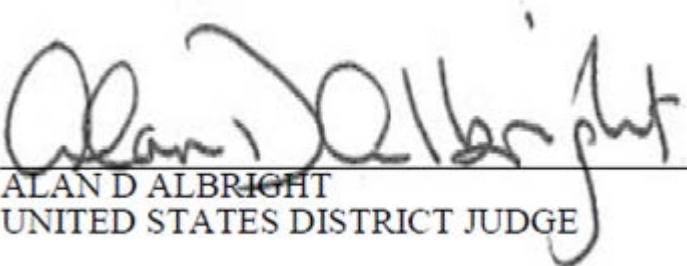
IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss for Improper Venue, ECF No. 8, is **GRANTED**.

IT IS FURTHER ORDERED that the above-captioned action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FINALLY ORDERED that the Clerk of Court is respectfully directed to close the case.

SIGNED this 4th day of October, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE